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Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

British Virgin Islands

Working paper prepared by the Secretariat

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I. General

1. The Territory of the British Virgin Islands[1] comprises a group of approximately 40 islands, of which 16 are inhabited, the most important being Tortola, Virgin Gorda, Anegada and Jost Van Dyke. The islands are located about 96 kilometres east of Puerto Rico and 225 kilometres north-west of St. Kitts and Nevis. They form an archipelago with the United States Virgin Islands, with which they maintain close links. Some 80 per cent of the population lives on Tortola.

2. The island group came into the possession of the United Kingdom of Great Britain and Northern Ireland in 1666, when planters took control from the earlier Dutch settlers; it has been a United Kingdom colony since 1672.[2]

3. In 1997, the population was estimated to be 19,107.[3] About 45 per cent of the population is made up of immigrants, most of whom come from neighbouring islands. Adult literacy is estimated at 95 per cent.

II. Constitutional and political developments

4. The British Virgin Islands is a United Kingdom Overseas Territory (formerly known as a Dependent Territory). Under the 1977 Constitution, the administering Power appoints as its representative a Governor with responsibilities for defence, internal security, external affairs and public service; the Governor retains legislative powers as necessary to exercise special responsibilities. The Executive Council, made up of the Chief Ministers and other representatives of the Legislative Council, plus the Governor and the Attorney-General, has jurisdiction over all other matters. The members of the Legislative Council are elected by direct popular vote; one each from the nine electoral districts and, beginning in 1995, four at-large members (see para. 5).[4]

5. In 1995, the Constitution was amended to add four at-large seats to the Legislative Council (creating a total of 13 seats). A review of this innovation, in particular its effectiveness in enhancing the legislature's representative function, began in April 1998 and is still under way. It is reported that the Foreign and Commonwealth Office of the United Kingdom, in consultation with the Government of the British Virgin Islands, has appointed a consultant for the redrafting of the Constitution of the British Virgin Islands. The consultant was expected to visit the Territory after the legislative elections scheduled for 17 May 1999.[5]

6. In March 1999, the Government of the United Kingdom issued a White Paper on the relationship between the United Kingdom and its Overseas Territories, "Partnership for Progress and Prosperity: Britain and the Overseas Territories", the text of which is set out in the annex to document A/AC.109/1999/1. Key recommendations can be found in paragraph 28 below.

III. Economic conditions

A. General

7. The economy remains based on tourism and the provision of financial services. The territorial Government has enacted policies to diversify and strengthen each sector and to enhance the links between them. The Territory continues to receive development aid assistance from the governing Power and from the European Union under the Lomé Convention.[2] The Government's National Integrated Development Plan is designed to expand the economic base of the Territory, improving living standards, and distribute gains more equitably, through a framework of consultation that will determine consensual policies. The territorial Government is determined to try to lessen dependence for revenue on the financial sector by more efficiently collecting revenues elsewhere in the economy.

8. In 1998, the gross domestic product (GDP) rose by 6.8 per cent, compared to a 4.5 per cent increase in 1997. The per capital GDP in 1998 was approximately $24,000, down from $26,903 in 1997.[6]

B. Public finance

9. The current budget surplus for 1998 is estimated at $15 million, a 64 per cent decrease from the $42 million surplus in 1997. Recurrent expenditures in 1998 were estimated at $123 million, while recurrent revenues were up approximately $10 million to $138 million.[7] Of those revenues, more than 50 per cent came from the financial services industry, which generated $70.41 million in 1998.[8]

10. The total public debt of the British Virgin Islands at the end of 1998 was $61.39 million, a decrease of 3.32 per cent from 1997.[7]

11. Maintenance costs in respect of a series of recently completed capital projects (see para. 12 below), as expected, increased the territorial Government's current expenditures in 1998.

C. Construction and development

12. Several capital projects were completed in 1998 and early 1999, including the construction of a dual carriageway in the Road Town area at an estimated cost of $4.8 million and the $4.2 million expansion of the cruise ship pier. Ongoing projects for 1999 include capital improvements to the airports on Beef Island and Virgin Gorda, the construction of a new General Post Office and Customs Office and extensions to both the H. Lavity Stoutt Community College and Peebles Hospital. The residential construction sector remains buoyant.[7]

D. Agriculture, livestock and fisheries

13. The agriculture sector accounts for approximately 4 per cent of the GDP. Some 800 hectares are under cultivation, and 4,000 hectares of pasture are used for stock rearing. The main crops are fruit and vegetables, which are produced mostly for local consumption, although some are exported to the United States Virgin Islands. Sugar cane is grown for the production of rum. The coastal waters are rich in fish, which provide the primary export of the agriculture/fisheries sector. The use of better technology helped to increase the catch to 1.7 million pounds in 1998, with a total market value of $6.6 million. A fisheries credit scheme assists fishermen in financing the purchase of boats.[9] The principle obstacles to developing the agriculture sector are a shortage of labour, a lack of water and few marketing facilities.

E. Industrial development

14. Manufacturing accounted for less than 5 per cent of the GDP between 1991 and 1995. The most important manufactured products are rum, tourist items, books and construction materials (mostly aggregates). Tax and duty exemptions are offered to promote industry. Under the Pioneer Services and Enterprises Ordinance, for example, investors in enterprises for which a special need exists in the Territory may benefit from a tax holiday of up to 10 years and may import capital needed for their investment without paying duty.

F. International business and finance

15. The financial services sector remains dominated by international business companies, which generate just over half of total government revenue. Total registrations of international business companies now exceed 300,000. Approximately 50,000 registrations were recorded in 1997 and the same number in 1998. The British Virgin Islands has accumulated an estimated 45 per cent share of the global market for this service. At the same time, the Government is trying to diversify within the financial sector, for example by promoting ship registrations and mutual fund markets.[10] In December 1997, amendments were made to the 1996 mutual funds act to enhance regulation of mutual funds. According to the territorial Government, the purpose was "to create a fit and proper environment which meets internationally recognized standards of best practice in the management and administration of mutual funds".[11] During 1998, 1,700 licences were issued for such funds, fund managers and administrators.[12]

16. The importance of offshore finance to the British Virgin Islands and other Overseas Territories was addressed by the administering Power in the above-mentioned White Paper.[2]

17. The British Virgin Islands is a member of the Caribbean Financial Action Task Force. In March 1999 the Task Force launched a new $7.2 million anti-money-laundering programme. The programme, funded by the European Union, the United Kingdom and the United States of America, will strengthen the institutional capacities of the Caribbean countries to fight financial crime by facilitating prevention, investigation and prosecution.[13]

G. Tourism

18. Tourism provides approximately 45 per cent of the GDP. The territorial Government continued its active promotional programme for tourism. Previously, a key part of the Government's tourism strategy was to maintain the island's upscale image. To that end, the Government had placed restrictions on the number of cruise ships allowed in port and the number of passengers allowed on shore, had regulated the development of high-rise hotels and casinos and had promoted the development of niche market sectors, such as inns and villas. However, growth in the cruise ship business prompted the Government to expand its cruise ship facilities in 1998.

19. Stayover visitor arrivals have increased over the past four years, from approximately 205,000 to 260,000.[14]

IV. Social conditions

A. Labour

20. The labour force is engaged primarily in tourism (26 per cent), Government (20 per cent) and construction (18 per cent). There is virtually no unemployment.

B. Basic human rights

21. The Territory is subject to several major human rights conventions that were acceded to by the administering Power. These include the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

22. Human rights issues in the Overseas Territories were addressed by the administering Power in the above-mentioned White paper[2] (see para. 28).

C. Public health

23. Tortola has a well-equipped hospital, 10 doctors, 2 dentists, 2 visiting eye specialists and 2 chiropractors. Improvements to medical facilities on other islands in 1999 include the renovation of the North Sound clinic on Virgin Gorda and the opening of a new clinic on Anegada. Health policy emphasis is on the improvement of preventive medicine. Hence, there are frequent school medical examinations and successful immunization campaigns against smallpox, diphtheria, whooping cough, tetanus and poliomyelitis.

D. Crime and crime prevention

24. The Royal Virgin Islands Police Force maintains three stations on Tortola and one each on Virgin Gorda, Anegada and Jost Van Dyke. The total size of the force is 156 officers. The level of violent crime is among the lowest in the region, although domestic violence reportedly remains a concern. According to the press, combating domestic violence will be a priority of the police department in 1999.[15] In order to combat problems associated with drug trafficking, the Government of the United Kingdom has provided expatriate police personnel, a police launch, a surveillance aircraft and other anti-narcotics equipment. Two Royal Navy personnel and two Royal Air Force crew members are funded by the Government of the United Kingdom. Drug trafficking is on the rise throughout the Caribbean, and in 1998 police seized 156 pounds of cocaine in the Territory.

E. Educational conditions

25. There are 18 public and 11 private primary schools on Tortola, Anegada, Virgin Gorda and Jost Van Dyke. There are three high schools (one private and two public) and a community college at Road Town. Secondary education is available to the General Certificate of Education "A" Level. Higher education is provided by the University of the West Indies, while the H. Lavity Stoutt Community College offers associate degree courses and technical education.

V. Participation in regional organizations

26. The Territory enjoys associate membership in the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Economic Commission for Latin America and the Caribbean (ECLAC). The Territory is an associate member of the Caribbean Community (CARICOM), whose goal is to promote closer political and economic integration among Caribbean States. It is a borrowing member of the Caribbean Development Bank (CDB). It is also a signatory to the Lomé Convention, which provides for some development assistance. The current convention, Lomé IV, runs until February 2000, after which the existing trade arrangements may be revised.

VI. Future political status of the Territory

A. Position of the territorial Government

27. According to information received from the administering Power, on 9 September 1998, the

Government of the British Virgin Islands and the Government of the United Kingdom signed a "Memorandum of Cooperation and Partnership". In that document, the territorial Government stated its objective to be the achievement of economic independence; the administering Power stated that it shared that objective and that it remained committed to a policy of assisting its Overseas Territories to full independence when and if it was the clearly and constitutionally expressed wish of the people.

B. Position of the administering Power

28. Key recommendations of the administering Power in its White Paper issued in March 1999[2] are noted below:

(a) In future the Territories would be known as the United Kingdom Overseas Territories, in short Overseas Territories;

(b) British citizenship (and so the right of abode) would be offered to those people of the Overseas Territories who did not already enjoy it and who met certain conditions;

(c) Those who did not want to take it up would be able to remain British Dependent Territories citizens;

(d) British Overseas Citizens would not be included in this offer, nor would it apply to people who owed their British Dependent Territories citizenship to links with the British Indian Ocean Territory or the Sovereign Bases on Cyprus;

(e) The offer of citizenship would be on a non-reciprocal basis (as far as the right of abode is concerned). No conditional links have been made between the offer and other obligations set out in the White Paper;

(f) Administrative and representational arrangements would include:

(i) The establishment of parallel Overseas Territories structures in the Foreign and Commonwealth Office and the Department for International Development;

(ii) The appointment of Baroness Symons as Minister with responsibility for the Overseas Territories;

(iii) The creation of an Overseas Territories Consultative Council to bring together United Kingdom Ministers and the Chief Ministers of the Overseas Territories or their equivalent;

(iv) The designation of a First Secretary in the office of the Permanent Representative of the United Kingdom to the European Union as the point of contact for the Overseas Territories with the European Union;

(g) In terms of good governance, provision would be made for:

(i) Improved regulation of the financial service industries in the Overseas Territories to meet internationally acceptable standards and to combat financial crime and regulatory abuse;

(ii) Measures to promote greater cooperation with international regulators and law enforcers so as to share information and improve worldwide financial regulations;

(iii) Enhanced measures to combat drug trafficking and drug-related crime;

(iv) Reform of local legislation in some Territories to comply with the same standards of human rights as those existing in the United Kingdom with regard to capital punishment and consensual homosexual acts. If local action is not taken Her Majesty's Government would enforce the necessary changes;

(h) Measures for sustainable development would include:

(i) Partnership between Her Majesty's Government and the Overseas Territories to promote economic growth and self-sufficiency;

(ii) Confirmation that the reasonable assistance needs of the Overseas Territories would be a priority in the development programme;

(iii) Continued budgetary aid for Montserrat and St. Helena;

(iv) Strengthened procedures and guidelines on borrowing by the Overseas Territories;

(v) Enhanced policies, legislation and standards for the protection and management of the rich natural environment of the Territory;

(vi) Increased funds (£1.5 million over three years) to assist in creating and implementing environmental programmes;

(vii) Agreement of an environmental charter between the United Kingdom and the Overseas Territories;

(viii) Technical support, training and cooperative schemes to build local capacity to manage and monitor the environment.

C. Action by the General Assembly

29. On 3 December 1998, the General Assembly adopted, without a vote, resolution 53/67 B, section IV of which concerns the British Virgin Islands.

Notes

[1] Information contained in the present working paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations on 1 June 1998 and from published material.

[2] White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories, March 1999 (see A/AC.109/1999/1, annex).

[3] The Economist Intelligence Unit, 21 September 1998.

[4] The Commonwealth Secretariat, The Commonwealth On-Line, www.tcol.co.uk, 14 July 1997.

[5] *Beacon* (British Virgin Islands), 27 February 1999.

[6] The Economist Intelligence Unit, 12 February 1999; and *Island Sun* (British Virgin Islands), 10 March 1999.

[7] 1999 Budget Address, British Virgin Islands Government Web site, www.bvigovernment.org.

[8] *Beacon* (British Virgin Islands), 10 December 1998; and The Economist Intelligence Unit, 12 February 1999.

[9] *Beacon* (British Virgin Islands), 1 April 1999.

[10] Caribbean Development Bank, 1997 Annual Report.

[11] *Bermuda Sun*, 9 December 1997.

[12] The Economist Intelligence Unit, 12 February 1999.

[13] *Oxford Analytica*, 29 March 1999.

[14] *Island Sun* (British Virgin Islands), 10 March 1999.

[15] *Beacon* (British Virgin Islands), 3 December 1998.

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East Timor

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I. General

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the bottom of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme tip. It lies between latitudes of 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. The area of East Timor is about 14,876 square kilometres.[1] According to estimates by the Government of Indonesia, as of 1997, the population of the Territory was 857,000.[2]

II. Political developments

A. Background

2. According to Indonesian Law 7/76 of 17 July 1976, East Timor is a province or a "first-level region" of Indonesia, with a Government consisting of a "Regional Secretariat" and a "Regional House of Representatives". East Timor is represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

3. In its resolution 32/34 of 28 November 1977, the General Assembly rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

B. Recent developments

4. Indonesia continued to maintain its military presence in East Timor during the period under review. Indonesian military authorities stated that 11,000 troops remained in the Territory in mid-August 1998, following a withdrawal of 1,000 troops in late July.[3] Reports by foreign journalists and Western embassies around the same time estimated that there were almost 18,000 Indonesian troops in the Territory.[4] In addition, at least 20 pro-Indonesian militia groups operate in the eastern half of the Territory, representing 7,000 men. According to human rights sources, the militias are armed with guns and grenades supplied by the Indonesian military forces (Tentara Nasional Indonesia (TNI)), as well as machetes, home-made spears, and bows and arrows. TNI has denied arming civil militias but said it has provided guns to official paramilitary units.[5]

5. The Indonesian Minister for Foreign Affairs, Ali Alatas, stated in October 1998, in response to observations by foreign observers that fresh troops had been sent to East Timor, that 1,300 combat troops had been withdrawn and 300 rotated back, resulting in a net reduction of 1,000 troops. He stated that five or six battalions remained in East Timor.[6]

6. As described in an addendum to the previous working paper (A/AC.109/2111/Add.1), a change in leadership in Indonesia in May 1998 was followed by renewed calls for an early solution to the East Timor question. The new President, B. J. Habibie, suggested on 11 June 1998 that he was ready to offer East Timor "special status" and signed a decree to release 15 East Timorese political prisoners. Jose Ramos-Horta, a leader of the East Timorese opposition, rejected the offer as "not a serious proposal", claiming that it represented an old position that would require the United Nations to recognize the annexation of the Territory. Several thousand East Timorese demonstrated against the proposal in Dili, the Territory's capital, and also demanded the liberation of imprisoned East Timorese resistance leader Xanana Gusmão, who was not among the 15 prisoners scheduled to be released.[7]

7. On 20 June 1998, Mr. Gusmão rejected a proposal by President Habibie under which he would be released, the troop presence in East Timor would be reduced and the Territory would be granted a special status, in return for international recognition of Indonesian sovereignty over East Timor. Mr. Gusmão, held in Jakarta's Cipinang jail since 1992, reiterated his demands for a referendum on independence.[8]

8. On 18 June 1998, the Indonesian Foreign Minister met with the Secretary-General of the United Nations in New York, and proposed that East Timor be given a special status with wide autonomy as part of a lasting and internationally acceptable solution to the question. In subsequent comments to the press, Mr. Alatas explained that the proposed autonomy arrangement would be extensive, but would not include foreign affairs, finance, defence or security. Mr. Alatas also said that he had asked the Secretary-General and his Personal Representative for East Timor, Jamsheed Marker, to present the proposal to Portugal.[9]

9. On 4 and 5 August 1998, a meeting was held at the United Nations between Mr. Alatas, Jaime Gama, Minister for Foreign Affairs of Portugal, and the Secretary-General. According to a communiqué issued by the Office of the Spokesman for the Secretary-General, the two ministers agreed, *inter alia*, "to hold in-depth discussions on Indonesia's proposal for a special status, based on a wide-ranging autonomy for East Timor without prejudice to their

basic positions of principle. For this purpose, they have requested their senior officials to intensify their discussions under the chairmanship of the Secretary-General's Personal Representative and to report to the Ministerial meeting at an early date. It is hoped that an agreement could be reached on this issue before the end of the year."[10]

10. On 18 December 1998, according to press reports, approximately 1,000 protesters demonstrated outside the legislature in Dili to demand independence. The demonstration was held prior to a visit by the Secretary-General's Personal Representative, Mr. Marker. After meeting that day in Bali with the Regional Military Commander, Major General Adam Damiri, whose area of command includes East Timor, Mr. Marker flew on 19 December to Dili to meet with local authorities, public figures, and religious leaders.[11] On 20 December, Mr. Marker was airlifted out of East Timor after hundreds of pro-independence demonstrators stormed the airport demanding to speak with him.[12]

11. According to press reports, in December 1998 the Prime Minister of Australia, John Howard, informed Mr. Habibie by letter that the Government of Australia was in favour of a self-determination referendum for the Territory.[13] Australia is one of the few countries that has recognized Indonesian sovereignty over East Timor; it has also undertaken military and economic cooperation with Indonesia.

12. On 27 January 1999, several high-level members of the Government of Indonesia, including Foreign Minister Alatas, announced that Indonesia would be willing to rescind its annexation of East Timor and grant it independence if its offer of autonomy were rejected.[14] On the same day, the Secretary-General welcomed a report that Mr. Gusmão would be transferred from jail to house detention.[15]

13. According to a press release issued by the Government of Indonesia on 28 January 1999, 33 political prisoners were given amnesty and 19 had their sentences abolished by Presidential decrees 85/1998, 123/1998 and 202/1998. It was indicated that 20 East Timorese political prisoners remained in custody.

14. According to press reports, thousands of Indonesians reacted to the sudden possibility of independence by leaving East Timor. Approximately 3,000 people, including a number of civil servants, reportedly arrived at the harbour of Ujungpandang on 6 March 1999 from Dili, escaping intimidation by pro-independence groups. Approximately 300 teachers protested at the Dili government sub-district office, motivated by a lack of security for non-ethnic-Timorese in the Territory.[16] Press agencies reported in April that thousands of civil servants, including teachers and doctors, had requested transfers.[17]

15. On 10 February 1999, Mr. Gusmão was released from prison and transferred to a bungalow in Jakarta. He remained in custody but was allowed to receive visitors and telephone calls.[18] In May, his request to attend a meeting between opposing Timorese factions in Australia was turned down. The Indonesian Minister of Information, Yunus Yosfiah, reiterated that Mr. Gusmão remained a prisoner.[19] According to a press report issued several days later, however, President Habibie had promised during an interview to release Mr. Gusmão on the day after the ballot in East Timor.[20]

16. On 11 March 1999, Portugal and Indonesia agreed to a United Nations-supervised ballot to determine whether the East Timorese wanted autonomy or independence. Details regarding the logistics of the vote remained to be decided. The ballot would include Timorese living in East Timor and abroad. According to Mr. Alatas, an estimated 600,000 of East Timor's current population of 800,000 were eligible to vote, along with 20,000 to 30,000 Timorese living abroad.[21]

17. On 5 April 1999, according to press reports, Mr. Gusmão ordered his supporters to take up arms, effectively ending a four-month ceasefire in the 23-year-long insurrection against Indonesian rule. The order was reported to be a reaction to the alleged killing of 17 civilians by Indonesian troops on the same day.[22]

18. The next day, a massacre was reported to have occurred at a church in Liquica, a town 18 miles west of Dili. The Roman Catholic Bishop of Dili and Nobel Peace Laureate, Carlos Ximines Belo, visited the site and said he believed that at least 25 people had been killed while seeking sanctuary from pro-Indonesian militias. Mr. Gusmão said at a press conference that 49 people had been killed. Members of the International Committee of the Red Cross (ICRC) set out to visit Liquica the day after the event but turned back after encountering paramilitary forces armed with axes, spears, machetes and bows and arrows.[23] An Indonesian army spokesman said that five separatists had been killed after opening fire at soldiers, and that the military was ready to face any threat from Mr. Gusmão's forces in East Timor. In a press release issued on 7 April 1999, the Permanent Mission of Indonesia to the United Nations stated that five people had been killed, including a local policeman, following the escalation of a heated exchange between pro-integrationists and pro-independence supporters.

19. On 17 April, a pro-Indonesian militia reportedly killed at least 13 people in Dili in a series of attacks. National

Human Rights Commission chairman Marzuki Darusman said that independent inquiries put the death toll at 20. The police and military claimed that 13 people had been killed and 5 seriously wounded.[24] Militias also attacked the home of pro-independence leader Manuel Carrascalão, who had provided refuge to more than 100 villagers fleeing earlier acts of violence in the countryside. The teenage son of Mr. Carrascalão was killed in the attack.[25] According to press reports, Mr. Carrascalão left Dili for Jakarta, hoping to obtain temporary asylum in Australia following the receipt of death threats. His brother Mario, a former "Governor" of East Timor and advisor to President Habibie, was reported to have fled to the Portuguese territory of Macao also after having received death threats.[26]

20. According to press releases issued by the Government of Indonesia, a significant escalation of violence by pro-independence elements occurred following the Government's decision on 27 January to offer autonomy or independence. According to the press releases, which documented some of those incidents, the aim was to force the East Timorese to reject the autonomy proposal and opt for independence.

21. A renewed ceasefire was signed at Dili on 21 April 1999. Indonesian Armed Forces Commander and Defence Minister General Wiranto travelled to East Timor to preside over the signing of a ceasefire between the warring factions. Mr. Gusmão signed a copy in Jakarta. The agreement called upon all parties to cease acts of violence, to respect the peacemaking efforts of the United Nations and the local Roman Catholic church, and to set up a peace and stability commission. It did not commit the militias to handing over their guns.[27] TNI, accused of arming and encouraging the militias, pledged to enforce the ceasefire.[28]

22. After signing the ceasefire on 21 April, the Indonesian Defence Minister stated that the pro-independence group had committed 30 violent acts, including 14 armed terrorist attacks, two violent demonstrations, the burning of one village, 6 armed attacks against the pro-integration group, 2 armed attacks against the security apparatus, 3 murders and 2 acts of torture against members of the pro-integration group.[29]

23. On 27 April, President Habibie met with Australian Prime Minister Howard. Following the meeting, President Habibie said that he had agreed to the sending of a United Nations "civilian police force" to East Timor numbering between 500 and 650 people to supervise a vote on independence or autonomy on 8 August 1999.[30] He also said he had approved the draft of an agreement on the voting mechanism for East Timor's people, which would be taken to the United Nations in New York for signature on 5 May 1999. President Habibie had further agreed that Australia should open a consulate in the East Timorese capital of Dili as soon as possible and that international organizations such as ICRC should have an expanded presence there.[31]

24. On 5 May, Indonesia and Portugal signed an Agreement at United Nations Headquarters in New York[32] to enable the people of East Timor to decide on a status of wide-ranging autonomy under Indonesian rule. Specifically, the question to be put to the voters is: "Do you accept the proposed special autonomy for East Timor within the unitary State of the Republic of Indonesia?" or "Do you reject the proposed special autonomy for East Timor leading to East Timor's separation from Indonesia?"[33] Furthermore, according to article 6 of the Agreement:

> "If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence."[34]

In addition to the Agreement, to which was appended details of a constitutional framework for a special autonomy for East Timor, the Governments of Indonesia and Portugal also signed an agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot[33] and an agreement on the East Timor popular consultation.[35] The full text of the agreements is reproduced in the report of the Secretary-General to the General Assembly and the Security Council dated 5 May 1999.[32]

25. Under the terms of the Agreement, the ballot will be held on 8 August 1999.

26. On 11 May 1999, violence again broke out in Dili, leaving at least four dead. Local residents said that six people had died, but police recorded four deaths, all of whom were supporters of independence.[36]

27. On 24 May 1999, Foreign Minister Alatas said, according to press reports, that he would reduce the number

of troops in East Timor and replace them with police prior to the ballot.[37]

III. Human rights situation

28. As a member of the Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to the principles of international human rights.

29. In its 1998 annual report on human rights, the United States Department of State reported that during 1998, including the period after President Habibie took power, the Government of Indonesia "continued to commit serious human rights abuses". The following are excerpts from the report:

> "In East Timor itself, there were increasing expressions of popular opposition to the Government, and pro-referendum forces began to operate more openly. ... Extrajudicial killings rose sharply, with confirmed reports of 37 killings in the first eight months of the year 1998. Credible sources attributed the great majority of these incidents to the military. In the final months of the year, militia and police personnel, along with civilians seen as collaborators were the victim of a series of attack and killings. Insurgents were accused in these cases, although it is unclear who is responsible. Military crackdowns that followed were accompanied by serious human rights abuses. As in the past years, disappearances, torture and excessive use of force on the part of the authorities continued. Following the May events, there was a more open atmosphere in East Timor, with increased tolerance for freedoms of assembly, expression, and the press. A June visit by a troika of European ambassadors, and a December visit by United Nations Special Envoy Jamsheed Marker, were greeted with large pro-referendum demonstrations.
>
> "The Habibie Government released 56 East Timorese political prisoners, but resistance leader Xanana Gusmão remained in prison despite international calls that he be freed.
>
> "No progress was made in accounting for persons missing following the 1991 Dili incident or of others who disappeared in recent years.
>
> "While the military carried out a highly publicized withdrawal of some 1,000 troops, there did not appear to be an overall reduction in the unjustifiably high number of troops in East Timor, and some evidence pointed to an increase.
>
> "The Government granted increased access to the area to foreign journalists but continued to ban travel by foreign human rights non-governmental organizations (NGOs) except for the International Committee of the Red Cross (ICRC). In July a respected East Timorese was appointed director of the previously dormant East Timor branch of the National Commission on Human Rights, which had opened in 1996."

30. The independent human rights organization, Human Rights Watch, issued a section of its World Report 1999 on human rights developments in Indonesia and East Timor. The following are excerpts from that section:

> "Poor but resource-rich provinces used the newly open political atmosphere to demand more economic autonomy. These demands, together with major progress in negotiations between Portugal and Indonesia over political autonomy for East Timor and renewed pro-independence activity in Irian Jaya, led to the renewal of a long dormant debate about federalism as well as widely expressed fears for the country's disintegration.
>
> "President Habibie formed a new Cabinet that dropped the most notorious cronies and political hardliners, but his efforts to include opposition figures failed; such was his association with Suharto that none agreed to serve. Within days, he announced a series of steps designed to demonstrate his reformist credentials, including the release of two of the country's best-known political prisoners, labour leader Muchtar Pakpahan and former opposition parliamentarian Sri Bintang Pamungkas. By late August, more than 100 other prisoners had been freed, with the notable exception of East Timorese leader Xanana Gusmão; Budiman Soejatmiko, Dita Sari and other political organizers associated with the leftist People's Democratic Party (Partai Rakyat Demokratik or PRD); and several men linked to a coup attempt in 1965.
>
> "In June, Habibie announced an 'action plan' for human rights that included ratification of key human rights treaties. By the end of the year, the Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Labour Organization's Convention 87 concerning Freedom of Association and Protection of the Right to Organize. ... A controversial draft law on demonstrations was tabled in July, designed to place curbs on any

demonstrations of more than 100 persons. The National Human Rights Commission and rights activists denounced the bill as a curb on internationally recognized rights, and by October, it had become the first piece of legislation in years defeated by popular protest.

"... In August, as the National Commission on Human Rights was looking into the possibility of setting up a 'truth commission' for Indonesia, a respected Muslim leader, Abdurrahman Wahid, announced the establishment of a non-governmental Commission on Truth and National Reconciliation to look into past abuses in Aceh, Irian Jaya and East Timor. Not to be outdone, the government in early September announced the formation of a National Reconciliation Commission, a body whose mandate did not appear to include exposing the truth or seeking justice."

31. A March 1999 report from the independent human rights group Amnesty International audited human rights reforms in Indonesia which have been implemented.[38] The following is excerpted from that report:

"A series of initiatives were taken which indicated that the new Government was indeed willing to address Indonesian's poor human rights record.

"Those developments also influence the human rights situation in East Timor. Since May 1998, at least 179 Indonesian and East Timorese political prisoners and prisoners of conscience have been released from prison, had the charges against them dropped or parole restrictions lifted in a programme ordered by President Habibie. Although criteria for those selected for release were never published, it was clear that three categories of prisoners were excluded. They are those who were convicted for undermining the State ideology Pancasila or the Indonesian Constitution, those who have been accused of committing criminal acts and those convicted for 'Marxist' activities.

"The Government's figures on those who benefited from the programme are also misleading as they include at least 47 prisoners who had been released previously on parole but who remained subject to parole conditions — such as employment restrictions. Twenty-one others were either already eligible for parole, having served two thirds of their prison sentence, or were within months of reaching their eligibility date.

"In August 1998, the Indonesian Government signed a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights, providing the basis for a technical cooperation programme, including human rights education and the strengthening of national institutions. The memorandum excludes monitoring of human rights. As agreed in the memorandum, the High Commissioner has established a human rights post in Jakarta to oversee the technical cooperation programme. The officer will have access to East Timor but will not engage in human rights monitoring in either Indonesia or East Timor.

"Requests to visit Indonesia and East Timor by two United Nations thematic mechanisms have been accepted by the Government. In November 1998 the Special Rapporteur on Violence against Women visited Jakarta and East Timor. In February 1999, the United Nations Working Group on Arbitrary Detention visited Jakarta and East Timor.

"While the measures that have been taken are welcome, there are still questions about the Habibie Government's commitment to human rights reform. The Government has not fulfilled several of its own commitments or begun to address many of the legal and institutional changes needed to protect human rights. As a result the pattern of human rights violations — the arrest of individuals engaging in legitimate peaceful activities, torture, ill-treatment, 'disappearances' and unlawful killings — remains largely unchanged."

IV. Economic, social and educational conditions

32. In the absence of information submitted by the administering Power under Article 73 *e* of the Charter of the United Nations and for reasons explained in paragraph 61 below, the following information on economic, social and educational conditions in the Territory has been mostly derived from the press releases of the Permanent Mission of Indonesia to the United Nations and other press reports.

A. Economic growth

33. Information from the Government of Indonesia dated 7 August 1997 indicates that, during the previous 10 years, East Timor's economy had been growing at an average rate

of 10 per cent a year more than the 6.8 per cent growth recorded in the other provinces. The Government points out that East Timor's economic growth almost parallelled the rapid economic growth of East Java and Yogjakarta. As a result, the per capita income of the province has increased 10 times since the US$ 34.2 recorded in the mid-1970s.

34. The Government of Indonesia reported that it spent a total of 691,463,000,000 rupiahs in East Timor in 1997/98. This included 370,600,000,000 rupiahs on sectoral development expenditure. During the same period, the Government received a total of 93,354,000,000 rupiahs from the Territory. The share of revenue collected from East Timor therefore amounted to 13.5 per cent of total expenditure, the remainder of which was provided by the central Government.

B. Employment

35. Most East Timorese are subsistence farmers. There is a severe lack of skilled workers and most skilled positions in the Territory are generally held by Indonesians.[39] One fifth of the population relies directly on the production of coffee for its livelihood (see paras. 37–38 below). In 1999, the basic minimum monthly wage was raised by 15.5 per cent to 183,000 rupiahs (approximately US$ 20). According to press reports, the increase, part of a general increase across Indonesia, was intended to slow the drastic decline in real wages since the 1997 economic crisis.[40]

36. The 1997 press releases of the Permanent Mission of Indonesia to the United Nations also indicated that, as in the case of many provinces in Indonesia, unemployment among the East Timorese youth remained a problem that needed to be addressed. In that regard, during the previous five years, a total of 1,508 young East Timorese had been employed in the business sector in 10 Indonesian provinces. In addition, at the end of 1995, the Government had recruited 2,000 East Timorese in the civil service sector, including 334 in the provincial government, 316 in the district government, 300 in the field of education, 180 as paramedics, 175 in the agriculture sector and 120 in public works; the rest were employed in the private sector. Furthermore, the Government had established vocational training programmes for the youth to become small-scale entrepreneurs.

C. Agriculture

37. East Timor produces an average of 6,000 to 7,000 tons of arabica and robusta coffee a year on 56,399 hectares of coffee plantations spread across at least 6 of its 13 regencies, with the biggest one in Ermera, the most fertile area in the Territory. Some 80 per cent of East Timor coffee production comes from 34,953 hectares of plantations in Ermera. According to the latest census, held in 1997, 89 per cent of Ermera's 80,570 residents are coffee growers.

38. In 1995, a decree by the East Timor "Governor" allowed farmers to sell their beans at the best price available. At the same time, the Indonesian military, which had previously monopolized the coffee industry and discouraged farming by offering below-market prices, ended its role in the industry.[41]

39. The Operational Director of the United States-based National Cooperative Business Association stated that East Timor's high quality organic coffee products were exported to the United States, Australia, New Zealand, Italy and the Netherlands. In cooperation with the rural cooperative unit (*Puksud*), a total of 1,060 tons have been exported since 1995. Coffee exports are worth $15 million annually, with the potential to double over the next 5 to 10 years.[42] Besides exporting East Timor's coffee products to other countries, the National Cooperative Business Association also provides special training for local farmers and coffee growers.[43]

D. Water

40. The Government of Australia granted $A 4 million over a five-year period to provide clean water to an additional 20,000 people in East Timor. The Agency for International Development said that the water supply and sanitation project had been completed in April 1999.[44] The head of ICRC said that the organization had established cooperation with the Indonesian Red Cross in implementing 54 projects to provide people with clean water.[45]

41. The following information was derived from other media sources.

E. Communications and transport

42. Indonesian Government statistics indicate that East Timor currently has almost 2,700 kilometres of modern asphalt roads, connecting the 13 districts of the 14,609 square-kilometre province.[46]

43. The Timor Kmanek, a new radio station sponsored by the Bishop of Dili, Carlos Ximines Belo, was inaugurated by the "Governor" of East Timor, Jose Osorio Soares, on 4 February 1998. Mr. Soares said he hoped that the new

station would improve development in East Timor. Bishop Belo expressed hope that the station would form a common bond among Catholics in East Timor's villages. Broadcasts will be aired in the local Tetun language.[47]

44. According to the Human Rights Watch report (see para. 30), the print and broadcast media enjoyed virtually full freedom after Suharto's fall for the first time in 30 years, and over 100 licences for new publications were issued by the Ministry of Information between June and August 1998.

F. Education and training

45. An estimated 22 per cent of the population receive formal education. East Timor has five universities, with a total enrolment of 5,000. There are more than 250 schools, including 64 kindergartens, 117 junior high schools, 38 senior high schools, 16 colleges and 16 vocational training schools. At least 3,416 teachers are employed in the schools. Local authorities state that about 17,000 East Timorese are jobless and the number is expected to rise by 4,000 annually, owing to the disparity between job opportunities and new graduates.[46]

46. The education system in East Timor is heavily dependent on teachers from other provinces provided by the Government of Indonesia. Since 1976, about 4,000 teachers from outside the Territory have been assigned to East Timor, representing approximately 76 per cent of the Territory's teachers.

47. According to press reports, since January 1999 non-Timorese teachers have feared increasingly for their safety in the political atmosphere created by the prospect of independence.[48] Cases of maltreatment by students are reportedly on the rise, and 2,952 of the 3,700 non-Timorese teachers at the junior and senior high schools have registered to leave the territory. The Indonesia Cultural and Education Department has allocated US$ 6.2 million to take Timorese teachers out of East Timor. Timorese academics, however, fear that this measure will result in a decline in the quality of education in the Territory. The military chief of the Territory, General Wiranto, has announced that military officers are ready to teach in the schools as necessary.[49]

G. Health care

48. Health facilities include 11 hospitals, 256 community health centres, 288 auxiliary community health centres and 1,003 integrated health service posts. Almost every health centre has one or two doctors and a dozen nurses.[50] An Australian Agency for International Development fact-finding mission to the Territory in March 1999 reported that there are no government surgeons in East Timor.[51]

49. The Australian fact-finding mission also stated that the aggregate medical and pharmaceutical supply situation appeared adequate. The mission noted, however, that the departure of a significant number of non-East Timorese doctors had left critical gaps in medical services and there were real prospects that the health system could come under intense pressure. The mission also noted that there were 109 doctors in the government system at the end of 1998, but by March 1999 that number had decreased to 81, of which only 19 were East Timorese. The aid agency reported that there was a general preference among non-East Timorese doctors to be transferred once their contracts were over and that without a strategy to replace them the health system in the Territory would deteriorate significantly.[51]

50. Hundreds of doctors reportedly staged a peaceful demonstration in Dili on 8 March 1999 to demand greater security. The Indonesian Minister of Health stated that he would withdraw all doctors from the cities of Ambon and Dili if their security could not be guaranteed. He also noted that the armed forces had sent their own doctors and paramedics to the two cities after local medical staff fled the violence there.[52]

51. According to press reports there is a shortage of food in the Territory, and an estimated 50 to 100 people die each day from preventable diseases, including diarrhoea, malnutrition and tuberculosis.[53]

H. Religion

52. Several religions are practised in East Timor. There are 765,135 Catholics, 30,538 Protestants, 24,938 Muslims, 5,500 Hindus and 2,787 Buddhists.[53]

I. Housing

53. The East Timor administration needs more funds to build new houses for indigenous people, who are still living in leaf-roofed huts in many areas. Each district may require at least 1 billion rupiahs in assistance to improve its people's welfare and to build adequate housing.[53]

J. Tourism

54. There is ample potential for the development of a tourism industry in East Timor. The enclave of Oecusse Ambeno and the islands of Atauro and Jaco are regarded as having the most potential. The islands have various natural tourist attractions and several cultural and historical sites. Hot water springs at Maurobo in the Bobonaro district and the fortresses of Balibo and Maubara are also potential tourist attractions. Vast coffee plantations in Ermera and Ainaro, known for cool weather, are considered interesting sites. White sandy beaches in Dili, Liquica and Baucau, as well as the sea gardens in Behau and Atauro, could attract tourists to East Timor.[53] Some analysts have suggested turning East Timor into a gambling haven to attract visitors from Indonesia, where gambling is illegal.[54] The lack of infrastructure, however, limits the development of the tourism industry.

K. Transmigration

55. Since 1982, the Government of Indonesia has resettled a total of 8,940 families, most of them from Java, to improve social and cultural conditions.[55]

56. In December 1998, the Government of Indonesia decided to temporarily suspend the sending of Indonesian settlers to the Territory. East Timor "Governor" Soares said that the resettlement programme would be halted because of the political "situation and conditions" in East Timor.[56]

57. According to press reports, 26,000 Indonesian settlers left East Timor between January and April 1999.[57] In addition, 5 per cent of East Timorese, or at least 54,000 people, are reported to have been displaced within the Territory since January and are beyond the reach of relief organizations.[58]

L. Oil

58. In November 1997, the Australia-Indonesia joint authority approved a US$ 42 million development plan for an oil field in the Timor Gap, clearing the way for production to begin in December 1998. A 1989 Timor Gap Treaty had divided the 61,000 square kilometre stretch of continental shelf into three zones, believed to contain huge oil and gas reserves. Indonesia and Australia control one zone each while the third and largest zone is jointly administered with a 50–50 income split.[59] The contracts awarded so far, involving the Broken Hill Proprietary Company, Ltd., Royal Dutch/Shell, Woodside Petroleum, Phillips Petroleum Company, Moondance, Boral Energy, Ltd., and Mobil Corporation, have been for the jointly operated zone.[59]

59. According to press reports, Indonesia would not oppose giving up its rights under the Timor Gap Treaty if East Timor were to become independent. These reports also say, however, that an independent Government of East Timor would be likely to attempt to renegotiate the Treaty in order to receive a larger share of the royalties. Total revenues from the field, whose present value some analysts estimate at US$ 11 billion, could be an important source of income for the new State. The Indonesian Minister of Mines and Resources, Kuntoro Mankusubroto, said however that the oil and gas reserves in the Timor Gap are not as extensive as first suspected. In the first six months of production, Indonesia received only US$ 1.1 million in revenues.[60]

V. Consideration by the United Nations

60. In its resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976, the Security Council called upon all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV), and also called upon the Government of Indonesia to withdraw without delay all its forces from the Territory. Between 1961 and 1982, the General Assembly reviewed the question of East Timor annually and adopted resolutions[61] on the basis of reports submitted by the Special Committee. Since its thirty-eighth session, the General Assembly has deferred consideration of the item.[62]

61. Since 1977, the Government of Portugal, in its capacity as the administering Power of East Timor, has informed the Secretary-General annually that, owing to conditions prevailing in the Territory, namely, the presence of the armed forces of Indonesia, it has, de facto, been prevented from transmitting any information concerning East Timor under Article 73 *e* of the Charter of the United Nations.[63]

62. In its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active

consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

63. Since 1983, the Secretary-General has conducted tripartite talks involving Indonesia and Portugal, as well as consultations with East Timorese representatives. He has kept the General Assembly regularly apprised of developments related to the exercise of his good offices.[64] Those efforts culminated in the overall agreement on 5 May 1999 between Indonesia and Portugal entrusting the Secretary-General with the organization and conduct of a popular consultation for the purpose of ascertaining whether the East Timorese people accept or reject a proposed constitutional framework providing for a special autonomy for East Timor within Indonesia. He submitted his most recent report to the General Assembly and the Security Council on 5 May 1999.[32]

64. On 8 June 1998, the Secretary-General had a meeting in New York, which he characterized as "useful", with the President of Portugal, Jorge Sampaio.[65]

65. On 18 June, the Secretary-General met in New York with the Foreign Minister of Indonesia, Ali Alatas, and welcomed a proposal for the solution of the question of East Timor based on the granting of special status to the Territory that would give it a wide degree of autonomy within the Indonesian State.[65] From 25 to 28 June, the Personal Representative of the Secretary-General, Jamsheed Marker, travelled to Portugal and conveyed the Indonesian proposal to President Sampaio, Prime Minister Antonio Guterres, and Foreign Minister Jaime Gama. The Government of Portugal responded in a "positive manner" to the proposal.[65] During his visit to Indonesia and East Timor between 16 to 23 July, Mr. Marker discussed the East Timor issue with President Habibie, Foreign Minister Alatas and other senior civilian and military officials.

66. As a result of those discussions, the Secretary-General invited the two Foreign Ministers to New York on 4 and 5 August. At those talks, the parties agreed to hold in-depth discussions on East Timor's status, to involve the East Timorese people more closely in the search for a solution, and to normalize the relationship between Indonesia and Portugal. During a visit to Portugal on 8 August, the Secretary-General met with Jose Ramos-Horta, Monsignor Belo, and the President of the Political Commission of the National Council of Timorese Resistance.

67. On 9 September, the Secretary-General announced that he had raised the situation of the jailed East Timorese resistance leader, Mr. Gusmão, with Indonesian Foreign Minister Alatas during the meeting of Heads of State and Government of the Movement of Non-Aligned Countries held at Durban, South Africa, on 3 September 1998. Mr. Alatas said that the rebel leader's freedom would come in a "timely" fashion.[66]

68. On 10 September, the Secretary-General submitted to the General Assembly at its fifty-third session a progress report on the question of East Timor.[65]

69. In its first report, dated 11 September 1998, on the organization of the fifty-third regular session of the General Assembly, the adoption of the agenda and the allocation of items, the General Committee stated: "In connection with item 93 of the draft agenda (Question of East Timor), the General Committee decided to recommend that the consideration of the item should be deferred to the fifty-fourth session and that the item should be included in the provisional agenda of that session."[67]

70. On 13 October, the Secretary-General issued a statement in New York saying that he was concerned by reports of armed clashes in East Timor. The Secretary-General urged "all parties concerned to avoid taking steps that could jeopardize or unnecessarily complicate the delicate efforts to find a just settlement to this long-running dispute."[68]

71. From 31 October to 3 November, the fourth round of the All-Inclusive intra-East Timorese Dialogue was held at Krumbach, Austria. The dialogue began in 1995 at the initiative of the Secretary-General. The meeting brought together 40 East Timorese of diverse political backgrounds.

72. The Secretary-General's Personal Representative for East Timor met separately on 24 November with Portuguese and Indonesian officials to restart talks on East Timor. Portugal had suspended face-to-face talks with Indonesian officials on 20 November because of reports of an army massacre of 50 civilians in East Timor. The massacre was neither verified nor confirmed. The talks subsequently continued.

73. On 27 January 1999, prior to scheduled talks between Indonesia and Portugal sponsored by the United Nations, the delegate from Indonesia, Nugroho Wisnumurti, stated that his Government would be willing to grant East Timor independence if the East Timorese rejected an offer of autonomy (see para. 12). At the same time, he reiterated Indonesia's opposition to a referendum and its position that widespread consultations with East Timorese leaders would be sufficient to ascertain the views of the Territory's population. The following day, the Secretary-General's Personal Representative for East Timor held talks with Mr. Wisnumurti and Fernando Neves, the negotiator from Portugal. The talks focused on obtaining a clarification of

the unprecedented mention of independence by Mr. Yosfiah, as well as the announcement to transfer rebel leader Gusmão to residential detention, given that there had been no formal proposal on either of those issues.[69]

74. On 3 February, the Spokesman for the Secretary-General issued the following statement:

> "The Foreign Ministers of Indonesia and Portugal have accepted the invitation of the Secretary-General to meet with him in New York on Monday, 8 February. Their discussions will, *inter alia*, focus on a review of the United Nations plan for a wide-ranging autonomy for East Timor, and also on the reported Indonesian proposal of independence for East Timor in case the autonomy proposal is rejected by the majority of East Timorese. The meetings will also discuss the situation on the ground in East Timor."[70]

75. On 25 February, the Secretary-General called upon the parties in East Timor to create an environment favourable to talks on autonomy.

76. On 3 March, Indonesian Information Minister Yosfiah said that the Secretary-General would set up a contact group on East Timor composed of the United States, Japan, Australia, New Zealand and the United Kingdom.[71]

77. On 11 March, Portugal and Indonesia agreed to a United Nations-supervised ballot involving Timorese living in the Territory and abroad.[72]

78. In late March and early April 1999, a six-person United Nations team led by the Director of the Asia and Pacific Division of the Department of Political Affairs visited East Timor to begin preparations for a consultative process on the future of East Timor. The team arrived in Dili on 24 March and was accompanied while on the island by Indonesia's military commander for East Timor, Colonel Tono Suratman. The team met with pro-independence and pro-integration groups, as well as with Bishop Belo. The leader of the team had earlier met with Mr. Gusmão in Jakarta.[73]

79. On 5 April, two members of the United Nations team proceeded to Portugal. In Lisbon they met with Fernando Neves, the Portuguese Foreign Ministry official responsible for East Timor, as well as with the head of the International Organization for Migration, the representative of the National Resistance Council of Timor and other Timorese figures.[74]

80. A senior officials' meeting on East Timor, which had been scheduled for 13 and 14 April, was postponed to 21 April at the request of the Government of Indonesia, which was finalizing the text of the autonomy proposal.[75]

81. On 17 April, the Spokesman for the Secretary-General issued the following statement:

> "The Secretary-General has received a series of very disturbing reports that a large number of pro-integration militia members entered Dili this morning and resorted to widespread violence and caused an undetermined number of casualties and damage to property.
>
> "The Personal Envoy of the Secretary-General, Ambassador Jamsheed Marker, is in contact with the Indonesian authorities with a view to ascertaining the facts and being informed of measures taken by the Indonesian Government.
>
> "The Secretary-General strongly deplores these new acts of violence and regrets this apparent inability of the Indonesian authorities to control the violence by the militias and to protect the civilian population. He calls for an immediate end to this escalation of violence by all sides. He considers essential the immediate establishment of a 'Peace and Stability Commission'."[76]

82. On 21 April, following the signing of the agreement to a ceasefire in East Timor (see para. 21 above), the Spokesman for the Secretary-General issued the following statement:

> "The Secretary-General welcomes the announcement of the signing of an agreement in East Timor designed to end the violence and establish peace and stability in the Territory.
>
> "The Secretary-General is confident that the implementation of such an agreement, both in spirit and on the ground, will be of paramount importance to the negotiations under his auspices and the overall peace process in which he is engaged."[77]

83. On 23 April, at United Nations Headquarters, Portuguese and Indonesian negotiators agreed on a plan to allow East Timor to choose between a special autonomy status within Indonesia or independence. Two annexes on security and voting arrangements were left unsigned.

84. On 5 May, Indonesia and Portugal signed three agreements at United Nations Headquarters to enable the people of East Timor to decide if they wanted wide-ranging autonomy under Indonesian rule.[32] Indonesia promised to rescind its annexation of the Territory and allow it to become independent should the East Timorese reject autonomy (see para. 24 above). The agreements included the annexes on security and voting arrangements.

85. On 5 May, the Secretary-General reported on the question of East Timor to the General Assembly and the Security Council.[32]

86. On 7 May, the Security Council adopted resolution 1236 (1999) on the situation in East Timor, in which it welcomed the agreement between Indonesia and Portugal of 5 May 1999 and the agreement between the United Nations and the Governments of Indonesia and Portugal regarding security arrangements and the modalities for the popular consultation of the East Timorese through a direct ballot. The Security Council stressed the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation was carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor, and requested the Secretary-General to inform the Council prior to the start of voter registration whether, on the basis of the objective evaluation of the United Nations Mission, the necessary security situation existed for the peaceful implementation of the consultation process.

87. In September 1998, during the general debate at the fifty-third session of the General Assembly, the representatives of Cape Verde (see A/53/PV.22), Portugal (see A/53/PV.12) and South Africa (see A/53/PV.7) referred to the question of East Timor in their statements.

88. In October 1998, in the general debate in the Special Political and Decolonization Committee (Fourth Committee), statements on the question of East Timor were made by the representatives of Panama, Uruguay and El Salvador (see A/C.4/53/SR.3); the United Republic of Tanzania (see A/C.4/53/SR.5); and Chile, Haiti and Ghana (see A/C.4/53/SR.6).

89. The Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of East Timor at its 1488th to 1491st meetings, between 30 June and 2 July 1998. During those meetings, the Committee heard statements by the representatives of Sao Tome and Principe (see A/AC.109/SR.1488), the United States (see A/AC.109/SR.1491), Brazil (see A/AC.109/SR.1491) and Portugal, as the administering Power (see A/AC.109/SR.1491), as well as by 44 petitioners. The representatives of Indonesia and Portugal spoke in exercise of the right of reply (see A/AC.109/SR.1491).

90. The United Nations Subcommission on Prevention of Discrimination and Protection of Minorities considered the question of East Timor at its 17th meeting, on 13 August 1998. The pertinent documents are listed below:

(a) Written statement dated 16 July 1998 submitted to the Subcommission by Pax Christi International about prevention of discrimination against and protection of minorities (E/CN.4/Sub.2/1998/NGO/21);

(b) Summary record of the 17th meeting of the Subcommission, held at Geneva on 13 August 1998 (E/CN.4/Sub.2/1998/SR.17).

91. The question of East Timor was subsequently considered by the Commission on Human Rights. The pertinent documents are listed below:

(a) Written statement dated 13 February 1999 submitted to the Subcommission by the Anglican Consultative Council about the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and Territories (E/CN.4/1998/NGO/114);

(b) Report of the Special Rapporteur, Asma Jahangir, dated 6 January 1999, on extrajudicial summary or arbitrary executions (E/CN.4/1999/39/Add.1);

(c) Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, dated 21 January 1999, on the mission to Indonesia and East Timor on the issue of violence against women (E/CN.4/1999/68/Add.3).

92. On 23 April 1999, the chairman of the commission on Human Rights issued a statement on East Timor (see E/CN.4/1999/L.10/Add.9, para. 111), which read:

> "The Commission on Human Rights, having discussed the human rights situation in East Timor under item 9 of its agenda, expresses its deep concern at the serious human rights situation and at the outbreaks of violence in East Timor, particularly the recently reported killings of civilians in Liquica and Dili.
>
> "The Commission takes into account that the talks under the auspices of the United Nations Secretary-General aimed at achieving a just, comprehensive and internationally acceptable solution to the question of East Timor taking place in New York are now at a crucial stage.
>
> "The Commission requests the Secretary-General to submit a report on the human rights situation in East Timor to it at its fifty-sixth session."

VI. Consideration by regional organizations

93. On 12 August 1998, the Presidency of the European Union issued the following statement on East Timor:

> "The European Union has noted with satisfaction the results achieved at the meeting between the Secretary-General of the United Nations and the Foreign Ministers of Indonesia and Portugal on the question of East Timor, held in New York on 4 and 5 August 1998. It expresses its appreciation of the constructive spirit which prevailed at this meeting, and commends the Secretary-General and his Personal Representative, Ambassador Jamsheed Marker, for the key role they played in achieving this result.
>
> "The European Union welcomes the Ministers' agreement to enter into in-depth negotiations on issues related to the question of East Timor, addressed in the final communiqué of the meeting, without prejudice to their basic positions of principle.
>
> "Recalling the conclusions of the Council of 13 July 1998, it hopes that these negotiations will lead to a just, comprehensive and internationally acceptable solution in the near future.
>
> "The European Union also notes with satisfaction the prospect for closer involvement of the East Timorese in the search for a solution. The European Union takes note of the recent reduction in troop numbers and encourages the Indonesian Government to further reduce its military presence in East Timor. It calls upon the Indonesian Government to expedite the release of East Timorese political prisoners, including Xanana Gusmão.
>
> "The European Union welcomes the Ministers' agreement to establish interest sections in each other's capitals by the end of 1998.
>
> "The Central and Eastern European countries and Cyprus associated with the European Union and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement."[78]

94. On 19 February 1999, the Presidency of the European Union issued a statement on East Timor, in which the European Union encouraged the ongoing efforts of the Secretary-General to find a solution to the problem of East Timor, stressed the need for a fair, free and comprehensive consultation of the East Timorese by the United Nations and expressed its willingness to support such a consultation (S/1999/223, annex).

95. On 20 April 1999, the Presidency of the European Union issued a statement on East Timor in which the European Union noted its deep concern at the escalation of violence in East Timor. It condemned the violence and expressed concern that Indonesian authorities had been unable to stop it, reiterating the position of the European Union that the Government of Indonesia was responsible for maintaining security in the Territory. The European Union also said:

> "Recent developments have shown that a United Nations presence in East Timor is urgently needed to help prevent further violent clashes in East Timor. The European Union urges the Indonesian authorities to recognize this need and to allow the United Nations to deploy its personnel in the Territory" (S/1999/488, annex).

96. On 1 May 1999, the Presidency of the European Union issued a statement on East Timor, in which the European Union said that it was deeply concerned at reports that the militias, which favoured East Timor's integration with Indonesia, had physically threatened activists campaigning for independence. The European Union condemned all acts of violence and urged all parties in East Timor to show the utmost restraint in order to avoid further escalation of violence. It called upon the Government of Indonesia to ensure that its armed forces met their obligation to keep the peace in the Territory and urged the United Nations to play a peacekeeping role in East Timor.[79]

Notes

[1] The Economist Intelligence Unit Indonesia 1998/99.

[2] *Indonesian Observer*, 18 July 1997.

[3] *The Christian Science Monitor*, 30 July 1998.

[4] Comtex Scientific Corporation, 30 October 1998.

[5] Reuters, 23 April 1999.

[6] Comtex Scientific Corporation, 26 October 1998.

[7] *The Independent*, 11 June 1998.

[8] *The Financial Times*, 22 June 1998.

[9] *Asia Pulse*, 24 June 1998.

[10] See United Nations press release SG/SM/6666.

[11] *The Jakarta Post*, 19 December 1998.

[12] Ibid., 21 December 1998.

[13] Reuters, 27 January 1999.

[14] Comtex Scientific Corporation, 29 January 1999, *The New York Times*, 3 February 1999, and *Oxford Analytica*, 2 February 1999.

[15] Deutsche Presse-Agentur, 27 January 1999.

[16] Agence France-Presse, 2 March 1999.

[17] Ibid., 13 April 1999.

[18] *Washington Post*, 11 February 1999; and *The Financial Times*, 11 February 1999.

[19] Agence France-Presse, 20 May 1999.

[20] Comtex Scientific Corporation, 24 May 1999.

[21] Ibid., 12 March 1999.

[22] Reuters, 6 April 1999.

[23] *The Guardian*, 8 April 1999.

[24] *The Australian*, 19 April 1999.

[25] *The Wall Street Journal*, 19 April 1999.

[26] Deutsche Presse-Agentur GmbH, 23 April 1999.

[27] *Financial Times Limited*, 21 April 1999.

[28] Reuters, 22 April 1999.

[29] Press release issued by the Permanent Mission of Indonesia to the United Nations, 4 June 1999.

[30] Agence France-Presse, 5 May 1999.

[31] Ibid., 27 April 1999.

[32] See A/53/951–S/1999/513.

[33] Ibid., annex.

[34] Ibid., annex I.

[35] Ibid., annex III.

[36] Ibid., 11 May 1999.

[37] Reuters, 24 May 1999.

[38] Amnesty International report (ASA 21/12/99).

[39] Reuters, 13 March 1999.

[40] Agence France-Presse, 19 February 1999.

[41] Comtex Scientific Corporation, 12 May 1999.

[42] Ibid., 8 April 1999.

[43] The Indonesian National News Agency (ANTARA), 30 July 1997.

[44] Ibid., 15 September 1997.

[45] *The Indonesian Times*, 15 October 1997.

[46] *The Indonesian Observer*, 18 July 1997.

[47] Ibid., 5 February 1998.

[48] Comtex Scientific Corporation, 10 March 1999.

[49] Ibid., 22 March 1999.

[50] *The Indonesian Observer*, 18 July 1997.

[51] Australian Agency for International Development (AusAID), "Report of AusAID Fact-Finding Mission to East Timor, 10–20 March 1999".

[52] Agence France-Presse, 9 March 1999.

[53] Reuters, 11 March 1999, and Agence France-Presse, 10 March 1999.

[54] Reuters, 4 March 1999.

[55] *The Indonesian Observer*, 18 July 1997.

[56] Agence France-Presse, 15 December 1998.

[57] Ibid., 13 April 1999.

[58] Reuters, 26 May 1999.

[59] Agence France-Presse, 17 February 1999.

[60] Comtex Scientific Corporation, 11 March 1999.

[61] See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also General Assembly resolutions 32/34,33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

[62] General Assembly decisions 38/402, 39/402, 40/402, 43/402, 46/402, 49/402, 50/402 and 51/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, A/47/PV.3 and A/51/PV.3.

[63] See A/35/233, A/37/160, A/37/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131, A/47/189, A/48/130, A/49/184, A/50/214 and A/51/361. Owing to lack of information from the administering Power, the information contained in the present working paper has been derived from other sources.

[64] A/38/352, A/39/361, A/40,622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507, A/46/456, A/48/418, A/49/391, A/50/436 and A/51/361.

[65] See A/53/349.

[66] Agence France-Presse, 9 September 1998.

[67] A/53/250, para. 49.

[68] Comtex Scientific Corporation, 26 October 1998; see also United Nations press release SG/SM/6744.

[69] Ibid., 29 January 1999.

[70] United Nations press release SG/SM/6883.

[71] Agence France-Presse, 3 March 1999.

[72] Comtex Scientific Corporation, 11 March 1999.

[73] Agence France-Presse, 24 March 1999.

[74] Ibid., 5 April 1999.

[75] United Nations press release SG/SM/6953.

[76] United Nations press release SG/SM/6961.

[77] United Nations press release SG/SM/6962.

[78] A/53/227, annex.

[79] Reuters, 1 May 1999.